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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,627

03/15/2004

Yuji Kawasaki

0756-7270

8404

31780

7590

08/20/2008

ERIC ROBINSON

PMB 955

21010 SOUTHBANK ST.

POTOMAC FALLS, VA 20165

EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,627	<b>Applicant(s)</b> KAWASAKI ET AL.	
	<b>Examiner</b> MARIA EL-ZOOBI	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11-16 and 18- 19 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/15/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### ***Response to Arguments***

Applicant argues, the obvious-type double patent rejection over claims 1-29 of US Patent 6,707484.

Applicant further argues that, independent claims 1, 4, 8, 11, 14 and 18 recites “a speaker operationally connected to the micro processing unit”, while Kawasaki in the mentioned patent do not recite “a speaker”.

In response, the Examiner respectfully disagree with the Applicant because: Kawasaki in US Patent 6,707484 recite a “videophone”, which has to include “a speaker”.

Conclusion, the Examiner maintains the obviousness-type double patent rejection.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,707,484.

For example, claims 1-22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,707,484.

Application claims 4 and 7 and patented application claims 1 and 4 or 12 and 15 or 24 and 27 are drawn to the same invention, "personal computer/videophone".

These claims differ in scope in that application claims 4 and 7 are broader in scope than the patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the patented claims by omitting some limitations so to obtain application claims 4 and 7 as claimed.

Allowance of application's claims 4 and 7 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims 1 and 4.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-9, 11-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pressman (US Patent 4,645,872) in view of Deacon (US Patent 5,515,474) and further in view of Umezawa (US Patent 5,491,507).

Regarding claim 1, Pressman discloses, a personal computer (Fig. 2) comprising:  
a micro processing unit (Fig. 2 and Fig. 5, el. 31)  
a display-unit operationally connected to the micro processing unit (Fig. 2)  
a speaker operationally connected to the micro processing unit (Fig. 2, el. 14)  
and a microphone operationally connected to the micro processing unit (Fig. 2, el. 12)  
wherein the microphone is provided on a lower side of the display unit (Fig. 2)

Pressman does not teach that wherein the speaker is provided on at least one side of the display unit, [[and]], and wherein the display unit, the speaker, and the microphone are included in a same housing. However, it is obvious to one with ordinary skill in the art to allocate the I/O devices in any way that suit the user need further more it is well known in the art to integrate multiple separate devices which work together in one unit.

Deacon discloses a speaker provided on at least one side of the display unit (Fig. 1, el. 15A and 15B).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman with Deacon to place the speaker in the desired arrangement that suit the user needs.

Pressman in view of Deacon does not expressly teach that wherein the display unit, the speaker, and the microphone are included in a same housing.

Umezawa discloses display, speaker and the microphone in the same housing (Fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon with Umezawa teaching in order to have the desired design by the user.

Regarding claim 2, Pressman in view of Deacon and further in view of Umezawa discloses, the personal computer comprising a keyboard (Deacon Fig. 1, Pressman Fig. 2).

Regarding claim 3, Pressman in view of Deacon and further in view of Umezawa discloses, the personal computer comprising a memory (Deacon: Fig. 2, el. 23-24).

Regarding claim 4, Pressman discloses, personal computer (Fig. 2) comprising:

- a micro Processing unit (Fig. 2, Fig. 5, el. 31)
- a display unit operationally connected to the micro processing unit (Fig. 2)
- a speaker operationally connected to the micro processing unit (Fig. 2, el. 14)
- a camera operationally connected to the micro processing unit (Fig. 2, el. 11) and
- a microphone operationally connected to the micro processing unit (Fig. 2, el. 12)

wherein the wherein the microphone is provided on a lower side of the display unit (Fig. 2).

Pressman does not teach that wherein the speaker is provided on at least one side of the display unit, and the camera is provided on the upper side of the display unit, and wherein the display unit, the speaker, the camera and the microphone are included in a same housing. However, it is obvious to one with ordinary skill in the art to allocate the I/O devices in any way that suit the user need further more it is well known in the art to integrate multiple separate devices which work together in one unit.

Deacon discloses a speaker provided on at least one side of the display unit (Fig. 1, el. 15A and 15B).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman with Deacon to place the speaker in the desired arrangement that suit the user needs.

Pressman in view of Deacon does not expressly teach that wherein the display unit, the speaker, the camera and the microphone are included in a same housing and the camera is on the upper side of the display.

Umezawa discloses display, speaker and the microphone in the same housing (Fig. 1) and the camera is on the upper side of the display (Fig. 7).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon with Umezawa teaching in order to have the desired design by the user.

Regarding claim 5, Pressman in view of Deacon and further in view of Umezawa

discloses, the personal computer comprising a keyboard (Deacon Fig. 1, Pressman Fig. 2).

Regarding claim 6, Pressman in view of Deacon and further in view of Umezawa discloses, the personal computer comprising a memory (Deacon: Fig. 2, el. 23-24).

Regarding claim 8, see claim 4 rejections, regarding the limitations, a multiplexer operationally connected to the memory (Pressman: Fig. 5, el. 44)  
a camera operationally connected to the multiplexer (see Fig. 4, Pressman) through a digital signal processor (Pressman: Fig. 11);

a microphone operationally connected to the multiplexer through an A/D converter (Deacon: Fig. 8C).

Regarding claim 9, see claims 2 and 5 rejections.

Regarding claim 11, see claim 1 rejection.

Regarding claim 12, see claims 2, 5 and 9 rejections.

Regarding claim 13, see claim 3 rejection.

Regarding claim 14, see claim 4 rejection.

Regarding claim 15, see claim 2, 5, 9, and 12 rejections.

Regarding claim 16, see claims 3 and 13 rejections.

Regarding claim 18, see claim 8 rejection.

Regarding claim 19, see claim 12 rejection.



***Allowable Subject Matter***

5. Claims 7, 10, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

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\*\*/M. E./

Examiner, Art Unit 2614\*